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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SIMMONS
Serial No.: 10/764,428
Filed: JANUARY 23, 2004
Confirmation No.: 6080
Due Date: DECEMBER 5, 2004 (30 Day Date)
Title: METHODS FOR PRODUCING HUMANIZED ANTIBODIES AND IMPROVING YIELD OF ANTIBODIES OR ANTIGEN BINDING FRAGMENTS IN CELL CULTURE

Examiner: UNKNOWN
Group Art Unit: 1651
Docket: 11669.120USU1

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 2, 2004.

By: 

Name: KATE CANNON

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449, 6 Reference(s), Copy of International Search Report
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

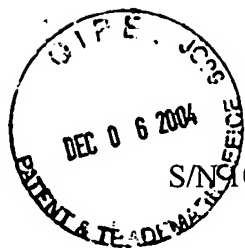
MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 

Name: Katherine M. Kowalchuk

Reg. No.: 36,848

KKowalchuk:KMC:PLSklg



S/N 10/764,428

PATENT

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Serial No.:	10/764,428	Group Art Unit:	1651
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By: 

Name: KATE GANNON

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Enclosed for the Examiner's information is a copy of the International Search Report. Applicant notes references US 6,172,213 B1, PCT WO 02/061090 A2, PCT WO 98/45331 and Knappik et al. "Engineered turns of a recombinant antibody improve its *in vivo*", also listed in the search report were previously cited to or by the Examiner. At least some of the references were recently cited in an International Search Report mailed November 5, 2004.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

Certification Under 37 C.F.R. § 1.704(d)

In accordance with 37 C.F.R. § 1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form 1449 was cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement. Accordingly, no patent term adjustment is due for the filing of this Information Disclosure Statement.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

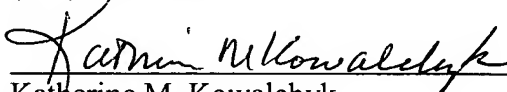
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
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(612) 332-5300

Date: Dec. 2, 2004


Katherine M. Kowalchyk
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KMK:KMC:PLSklg



FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 11669.120USU1	Application Number: 10/764,428
	Applicant: SIMMONS	
	Filing Date: 01/23/2004	Group Art Unit: 1651

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2002/0151682 A1	10/17/2002	Athwal et al.			
	2002/0177170 A1	11/28/2002	Luo et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 00/29584	05/25/2000	PCT				
	WO 00/37502	06/29/2000	PCT				
	WO 01/32712 A2	05/10/2001	PCT				
	WO 01/83806 A1	11/08/2001	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Jin, N. et al., "Gene Therapy of Murine Solid Tumors with T Cells Transduced with a Retroviral Vascular Endothelial Growth Factor-Immunotoxin Target Gene," <i>Human Gene Therapy</i> , Vol. 13, pp. 497-508 (March 1, 2002)
	Lustgarten, J. et al., "Prolonged Inhibition of IgE Production in Mice Following Treatment with an IgE-Specific Immunotoxin," <i>Molecular Immunology</i> , Vol. 33, No. 3, pp. 245-251 (1996)

23552

PATENT TRADEMARK OFFICE

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.